

The Honorable Thomas S. Zilly

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

VALVE CORPORATION, a Washington  
corporation,

Plaintiff,

vs.

SIERRA ENTERTAINMENT INC. (AKA  
SIERRA ON LINE, INC.), a Delaware  
corporation; VIVENDI UNIVERSAL GAMES,  
INC., a Delaware corporation; and VIVENDI  
UNIVERSAL, S.A., a French foreign  
corporation,

Defendants.

No. 2:02-cv-01683-TSZ-MAT

**DECLARATION OF FRED  
SHEAN IN SUPPORT OF  
DEFENDANTS/  
COUNTERCLAIMANTS'  
MOTION FOR PARTIAL  
SUMMARY JUDGMENT AND  
IN OPPOSITION TO  
PLAINTIFF'S CROSS MOTION  
FOR PARTIAL SUMMARY  
JUDGMENT RE CYBER-CAFÉ  
RIGHTS**

SIERRA ENTERTAINMENT, INC. (AKA  
SIERRA ON LINE, INC.), a Delaware  
corporation; and VIVENDI UNIVERSAL  
GAMES, INC., a Delaware corporation,

Counter-Claimants,

vs.

VALVE CORPORATION, a Washington  
corporation; GABE NEWELL and LISA  
MENNEN NEWELL, husband and wife and the  
marital community composed thereof; and  
SCOTT LYNCH and JULIE LYNCH, husband  
and wife and the marital community composed  
thereof,

Counterclaim Defendants.

*Shean Decl. ISO Sierra/VUG's Mot. For Partial  
SJ And In Opp. To Plaintiff's Cross Mot. For  
Partial SJ Re Cyber-Café Rights*

(2:02-cv-01683-TSZ-MAT)

HILLIS CLARK MARTIN &  
PETERSON, P.S.

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1 I, Fred Shean, state as follows:

2 1. I am a Director of Engineering and Development for Vivendi Universal Games,  
3 Inc. ("VUG"). I have worked in this or similar capacities for Sierra Entertainment, Inc.  
4 and/or VUG since April 1998 and am a software engineer by training. I make this  
5 declaration in support of the Motions For Partial Summary Judgment (Cyber-Café Rights  
6 And Contractual Limitation Of Liability) Of Defendants/Counterclaimants Sierra And VUG  
7 And In Opposition To Valve's Cross Motions For Partial Summary Judgment. Everything  
8 stated herein is true and correct of my own personal knowledge unless stated as to  
9 information and belief, and if called upon to testify I could and would testify competently  
10 hereto.

11 2. Sierra/VUG have incorporated anti-piracy measures on all Valve games except  
12 the current version of Counter-Strike and Team Fortress Classic that require users to have  
13 the cd-rom of the game they wish to play in the drive of the computer on which the game  
14 has been installed each time they play the game. The same or similar measures could be  
15 placed on future versions of Counter-Strike or Team Fortress Classic, as well.

16 3. Due to these anti-piracy measures, a cyber-café that has purchased a legitimate  
17 copy of a Valve game other than the current version of Counter-Strike and Team Fortress  
18 Classic from Sierra/VUG or its distributors will be required to provide cd-roms to its patrons  
19 that wish to play the game. To the extent that a cyber-café does not provide cd-roms for  
20 these games, it is because the cyber-café has purchased the use of the game online from  
21 Valve over Steam, has purchased a pirated copy of the game, or has improperly removed  
22 Sierra/VUG's anti-piracy protections for the game.

23 I declare under penalty of perjury that the foregoing is true and correct and that this  
24 declaration was hereby executed at Los Angeles, California on September 23, 2004.

25  
26   
27 FRED SHEAN  
28

*Shean Decl. ISO Sierra/VUG's Mot. For Partial  
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